

FOREIGN CLAIMS SETTLEMENT COMMISSION  
OF THE UNITED STATES  
WASHINGTON, D.C. 20579

IN THE MATTER OF THE CLAIM OF

BRANDON ROBINSON  
and  
MARIA ROBINSON

Claim No. CU -2172

Decision No. CU 6263

Under the International Claims Settlement  
Act of 1949, as amended

Counsel for claimant:

George D. Webster, Esq.

PROPOSED DECISION

This claim against the Government of Cuba, under Title V of the International Claims Settlement Act of 1949, as amended, was presented by BRANDON ROBINSON and MARIA ROBINSON for \$178,400 based upon the asserted ownership and loss of certain personal property and stock interests in Cuban enterprises. Claimant BRANDON ROBINSON has been a national of the United States since birth. His wife, MARIA ROBINSON, has been a national of the United States since her naturalization on December 12, 1961.

Under Title V of the International Claims Settlement Act of 1949 [78 Stat. 1110 (1964), 22 U.S.C. §§1643-1643k (1964), as amended, 79 Stat. 988 (1965)], the Commission is given jurisdiction over claims of nationals of the United States against the Government of Cuba. Section 503(a) of the Act provides that the Commission shall receive and determine in accordance with applicable substantive law, including international law, the amount and validity of claims by nationals of the United States against the Government of Cuba arising since January 1, 1959 for

losses resulting from the nationalization, expropriation, intervention or other taking of, or special measures directed against, property including any rights or interests therein owned wholly or partially, directly or indirectly at the time by nationals of the United States.

Section 502(3) of the Act provides:

The term "property" means any property, right, or interest including any leasehold interest, and

debts owed by the Government of Cuba or by enterprises which have been nationalized, expropriated, intervened, or taken by the Government of Cuba and debts which are a charge on property which has been nationalized, expropriated, intervened, or taken by the Government of Cuba.

Claimants describe their losses as follows:

1. Stock interest in Lavanderia La Comercial, S.A. (Lavanderia)	\$ 50,000
2. Stock interest in Tintoreria y. Lavanderia Panam, S.A. "Lindsay"	35,000
3. Stock interest in Cia. Cubana Americana de Suministros de Ropa Blanca, S.A. (Suministros)	80,000
4. Stock interest in Acme Cleaners	5,400
5. Household furnishings	<u>8,000</u>
	\$178,400

Pursuant to the community property laws of Cuba, all property acquired by either spouse during coverture is owned in equal shares by both spouses, except property acquired by gift or inheritance. (See Claim of Robert L. Cheaney and Marjorie L. Cheaney, Claim No. CU-0915.) Based upon the evidence of record, the Commission finds that claimants each owned a one-half interest in the properties subject of this claim as indicated hereafter. As shown below, the properties subject of this claim were taken by Cuba prior to nationalization of MARIA ROBINSON in 1961. Accordingly, so much of the claim as may be based on her interest, must be and is denied as it is not within the terms of Section 504 of the Act which provides as follows:

(a) A claim shall not be considered under section 503(a) of this title unless the property on which the claim was based was owned wholly or partially, directly or indirectly by a national of the United States on the date of the loss and if considered shall be considered only to the extent the claim has been held by one or more nationals of the United States continuously thereafter until the date of filing with the Commission.

#### Stock Interests

On the basis of the entire record including stock certificates in Lavanderia, "Lindsay", Suministros, and Acme Cleaners the Commission finds that claimants owned a 10% stock interest in Lavanderia and "Lindsay" and a 20% stock interest in Suministros and Acme Cleaners.

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In our decision entitled the Claim of William Robinson and Doris B.

Robinson (Claim No. CU-2171), involving the claim of claimant BRANDON ROBINSON's parents, which we incorporate herein by reference, we held that these Cuban corporations were nationalized or otherwise taken by the Government of Cuba, and that this type of claim is compensable to an American national under the facts and conditions set forth therein. In that claim we found the dates of taking to be as follows: Lavanderia, August 29, 1960; Lindsay, July 11, 1960; Suministros, August 18, 1960; and Acme Cleaners, August 4, 1960.

We need not again detail here the reasons or the method used in determining the valuation of these Cuban corporations to be as follows: Lavanderia, \$246,900.63; Lindsay, \$30,962.04; Suministros, \$157,577.85; and Acme Cleaners, \$27,000.

In view of the foregoing the Commission finds that claimant, BRANDON ROBINSON, suffered the following losses within the meaning of Title V of the Act: \$12,345.03 and \$1,548.10 respectively for his 5% interests in Lavanderia and "Lindsay"; and \$15,757.79 and \$2,700.00 respectively for his 10% interests in Suministros and Acme Cleaners.

#### Household Furnishings

Claimants occupied a residence at 198th Street, No. 2703, in Barandillo, Marianao. This real property was taken on October 14, 1960, pursuant to the Urban Reform Law (CU-2171, supra.). The Commission finds that the furnishing belonging to claimants herein was also taken on that date.

The record includes a copy of claimant, BRANDON ROBINSON's father's report to the American Embassy dated July 6, 1960 and an affidavit by BRANDON ROBINSON listing the household furnishings including its estimated values. On the basis

If the evidence of record the Commission finds that the asserted value of \$8,000 for this personalty is fair and reasonable, and concludes that claimant suffered a loss of \$4,000 for his 1/2 interest therein.

Recapitulation

Claimant, BRANDON ROBINSON's losses are summarized as follows:

<u>Item</u>	<u>Date of Loss</u>	<u>Amount</u>
Lavanderia	August 29, 1960	\$12,345.03
"Lindsay"	July 11, 1960	1,548.10
Suministros	August 18, 1960	15,757.79
Acme Cleaners	August 4, 1960	2,700.00
Furnishings	October 14, 1960	<u>4,000.00</u>
		\$36,350.92

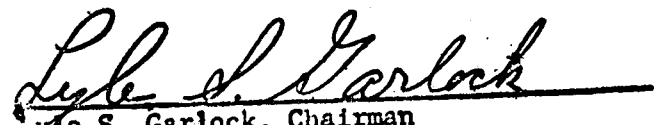
The Commission has decided that in certifications of loss on claims determined pursuant to Title V of the International Claims Settlement Act of 1949, as amended, interest should be included at the rate of 6% per annum from the date of loss to the date of settlement (see Claim of Lisle Corporation, Claim No. CU-0644) and in the instant case it is so ordered.

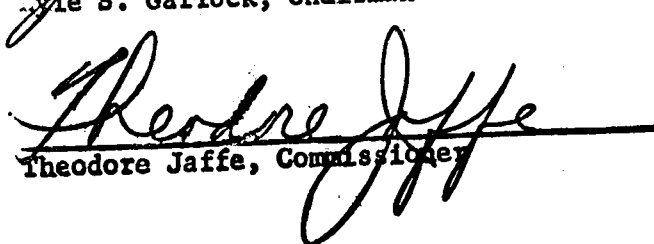
CERTIFICATION OF LOSS

The Commission certifies that BRANDON ROBINSON suffered a loss, as a result of actions of the Government of Cuba, within the scope of Title V of the International Claims Settlement Act of 1949, as amended, in the amount of Thirty-Six Thousand Three Hundred Fifty Dollars and Ninety-Two Cents (\$36,350.92) with interest thereon at 6% per annum from the respective dates of loss to the date of settlement.

Dated at Washington, D. C.,  
and entered as the Proposed  
Decision of the Commission

**JUL 14 1971**

  
Lyle S. Garlock, Chairman

  
Theodore Jaffe, Commissioner

NOTE TO TREASURY: The above-referenced securities may not have been submitted to the Commission or if submitted, may have been returned; accordingly, no payment should be made until claimant establishes retention of the securities or the loss here certified.

The statute does not provide for the payment of claims against the Government of Cuba. Provision is only made for the determination by the Commission of the validity and amounts of such claims. Section 501 of the statute specifically precludes any authorization for appropriations for payment of these claims. The Commission is required to certify its findings to the Secretary of State for possible use in future negotiations with the Government of Cuba.

NOTE: Pursuant to the Regulations of the Commission, if no objections are filed within 15 days after service or receipt of notice of this Proposed Decision, the decision will be entered as the Final Decision of the Commission upon the expiration of 30 days after such service or receipt of notice, unless the Commission otherwise orders. (FCSC Reg., 45 C.F.R. 1.5(e) and (g), as amended (1970).)

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